

## **REMARKS**

In view of the above amendments and the following remarks, reconsideration of the rejections and further examination are requested. Upon entry of this amendment, claims 1-3, 5, 7, and 8 are amended and claims 9-15 are added, therefore claims 1-15 are pending with claim 1, 3, 5 and 9 being independent. No new matter has been added.

Applicant appreciates the indication that claim 6 includes allowable subject matter.

### ***Rejections Under 35 U.S.C. §102(b)***

Claims 1-5, 7 and 8 have been rejected under 35 U.S.C. 102(b) as being anticipated by Nobuo (JP 09-284886).

Applicants submit that the claims as amended overcome the cited prior art.

#### **Claim 1**

Amended independent claim 1 generally recites a conical type diaphragm for a loudspeaker including an outer peripheral shape defined by a first circle overlapping a second circle. The first circle has a first center point and a first radius, and the second circle has a second center point different from the first center point and a second radius different from the first radius.

As shown in Fig. 1 and Fig. 2, such a conical type diaphragm results in a configuration in which the distance from the outer periphery of the diaphragm to the perimeter of the through-hole is substantially constant.

Nobuo discloses an asymmetrical diaphragm that is an eccentric cone type. *See* abstract. Such a shape provides “a speaker with excellent reproduction frequency characteristic and directivity in which deterioration in the characteristic is prevented by forming the shape of the diaphragm to be asymmetrical...”. *See* abstract. Therefore, Applicants submit that Nobuo does not disclose the claimed subject matter. That is, Nobuo fails to disclose a “conical type” or symmetrical diaphragm. Further, Nobuo fails to render this subject matter obvious, since there is no underlying rationale to change Nobuo to meet this claim element. In fact, altering Nobuo in this manner would render the Nobuo diaphragm inoperable for its intended purpose. That is, as discussed in the Nobuo abstract, it is *the* object of the Nobuo invention to prevent deterioration

by forming the shape of the diaphragm to be asymmetrical.

Therefore, Applicants submit that independent claim 1 and its dependent claims are allowable over the cited prior art.

### Claim 3

Amended independent claim 3 recites, among other things, a conical type diaphragm wherein the outer periphery of the diaphragm has a shape defined by a first circle and a second circle that overlap each other with their center points positioned such that at least one part of an outer periphery of the first circle and at least one part of the outer periphery of the second circle form a part of the substantially circular outer periphery.

Applicants contend that Nubuo fails to disclose or render obvious such a structure. First, as discussed above, Nubuo discloses an asymmetrical diaphragm that has an eccentric shape, and such disclosure fails to disclose or render obvious the claimed conical type diaphragm. Second, Nubuo fails to disclose or render obvious an outer periphery of a diaphragm that has a shape defined by a first circle and a second circle that overlap each other with their center points displaced such that at least one part of an outer periphery of the first circle and at least one part of the outer periphery of the second circle form a part of a substantially circular outer periphery. Nubuo merely has one circle (e.g., 7) that defines the shape of the outer periphery of the diaphragm. *See* Figs. 1, 3 and 5. Additionally, there is no reason disclosed in Nubuo to alter the configuration of the diaphragm disclosed therein to meet the elements recited in claim 3.

Therefore, since Nubuo fails to disclose or render obvious all of the elements of claim 3, Applicants submit that independent claim 3 and its dependent claims are allowable over the cited prior art.

### Claim 5

Amended independent claim 5 is allowable for substantially similar reasons to those discussed above. Namely, the cited prior art fails to disclose or render obvious a conical type diaphragm.

### ***New Claims 9-15***

New independent claim 9 is allowable since it is generally allowable dependent claim 6 rewritten in independent form, including the base claim.

New claims 10-15 are allowable for the reasons discussed above, since they are dependent from one of independent claims 1, 3 and 5.

Additionally, claim 10 and 13, which are dependent from claims 1 and 3, respectively, are allowable since they include the subject matter of dependent claim 6. Claims 11 and 15, which are dependent from claims 1 and 5, respectively, are allowable, since they recite that the first circle and the second circle are configured to overlap, such that at least one part of an outer periphery of the first circle and at least one part of the outer periphery of the second circle form a part of the outer peripheral shape. As discussed above, Nubuo fails to disclose or render obvious this element. Claims 12, 14 and 16, which are dependent from claims 1, 3 and 5, respectively, are allowable since they recite that the through-hole is positioned substantially in the center of the diaphragm. Since Nubuo has an asymmetrical diaphragm, for the reasons discussed above, it does not disclose or render obvious this element.

In view of the foregoing amendments and remarks, all of the claims now pending in this application are believed to be in condition for allowance. Reconsideration and favorable action are respectfully solicited.

Should the Examiner believe there are any remaining issues that must be resolved before this application can be allowed, it is respectfully requested that the Examiner contact the undersigned by telephone in order to resolve such issues.

Respectfully submitted,

Osamu FUNAHASHI

/Jeffrey J. Howell/

By: 2008.12.17 13:52:37 -05'00'

Jeffrey J. Howell

Registration No. 46,402

Attorney for Applicant

JJH/CRW/kh  
Washington, D.C. 20006-1021  
Telephone (202) 721-8200  
Facsimile (202) 721-8250  
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